Local Government Mandate Statement Kentucky Legislative Research Commission 2022 Regular Session

Part I: Measure Information

Bill Request #: 965						
Bill #: _HB 256 GA						
Document ID #: 4345						
Bill Subject/Title: AN ACT relating to the unauthorized practice of law.						
Sponsor: Representative Daniel Elliott						
Unit of Government: City X County Y Urban-County Unified Local						
X Charter County X Consolidated Local X Government						
Office(s) Impacted: Jails, law enforcement						
Requirement: X Mandatory Optional						
Effect on Powers & Duties: X Modifies Existing Adds New Eliminates Existing						

Part II: Bill Provisions and the Estimated Fiscal Impact Relating to Local Government

Under current law at KRS 524.130 the unauthorized practice of law constitutes a Class B misdemeanor no matter the number of convictions. HB 256 GA would amend KRS 524.130 to establish that a conviction for the unauthorized practice of law first offense would be a Class A misdemeanor. A second or subsequent conviction for the unauthorized practice of law would constitute a Class D felony.

HB 256 GA would have a minimal, negative fiscal impact on local jails. It is unlikely HB 256 GA would increase the number of persons convicted of the unauthorized practice of law, though it could increase jail costs slightly. A Class B misdemeanor is punishable by no more than 90 days in jail. Elevating a first offense to a Class A misdemeanor would increase the potential jail time to up to 12 month. Misdemeanants are housed in one of Kentucky's 74 full service jails or three life safety jails. While the expense of housing inmates varies by jail, this estimated impact will be based on an average cost to incarcerate of \$35.43 per day. While the majority of misdemeanor defendants are granted bail, those who do not will also cost local jails an average cost to incarcerate of \$35.43 per day.

Creating a Class D felony for a second or subsequent offense would result in a 1-5 year term of incarceration. When a court denies bail to a Class D felony defendant, the local government is responsible for incarcerating the defendant until disposition of the case in one of Kentucky's 74 full service jails or three life safety jails. While the expense of housing inmates varies by jail, each additional inmate increases facility costs by an average cost to incarcerate of \$35.43, which includes the \$31.34 per diem and medical expenses that the Department of Corrections pays jails to house felony offenders. Upon sentencing, a Class D felon is housed in one of Kentucky's full service jails for the duration of his or her sentence. The Department of Corrections pays a jail \$31.34 per day to house a Class D felon. The per diem may be less than, equal to, or greater than the actual housing cost.

Part III: Differences to Local Government Mandate Statement from Prior Versions

Part II applies to HB 256 GA version of the bill. The GA version is the same as the bill introduced. No amendments or substitutes were adopted when the bill passed its chamber of origin.

Data Source(s):	KY Department of	of Corrections			
Preparer: Mar	y Stephens	Reviewer:	KHC	Date:	2/8/22